

Entered - 05/06/03 - sb
CL03L0339 - DIANNE C. MITCHELL

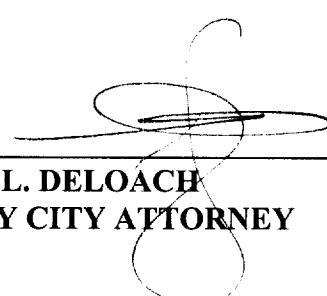
CLAIM OF: **JOYCE WALKER** on behalf of her daughter
CYNTHIA WALKER, a minor,
through their attorney,
Steven A. Hart
2525 Resurgens Plaza
945 East Paces Ferry Road
Atlanta, Georgia 30326

03-*R*-0795

ADVERSED

For damages alleged to have been sustained as a result of personal injuries due to an incident on October 31, 2002 at the Crawford Long Middle School.

THIS ADVERSED REPORT IS APPROVED

BY: 
JERRY L. DELOACH
DEPUTY CITY ATTORNEY

ADVERSE REPORT

PUBLIC SAFETY &

LEGAL ADMINISTRATION COMMITTEE

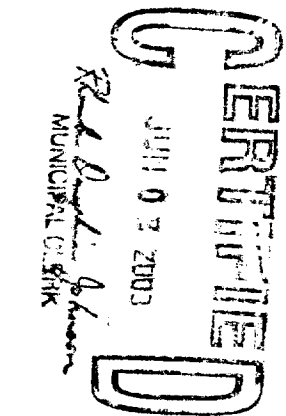
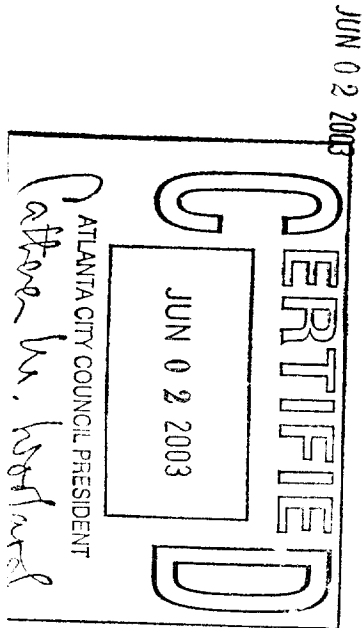
DATE: P. S.

CHAIR: 5/27/03

Clara Henderson

C. T. Manly

P. L. Jolly





CITY OF ATLANTA
OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC
MUNICIPAL CLERK

55 TRINITY AVENUE, S.W.
SECOND FLOOR, EAST
SUITE 2700
ATLANTA, GEORGIA 30335
(404) 330-6033
FAX (404) 658-6103

June 9, 2003

Steven A. Hart
Attorney at Law
2525 Resurgens Plaza
945 East Paces Ferry Road
Atlanta, GA 30326

03-R-0795

RE: Joyce Walker on behalf of daughter
Cynthia Walker, a minor

Dear Attorney Hart:

I sincerely regret that your client has been adversely affected by the circumstances raised in his/her claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your client's claim at its regular meeting on June 02, 2003. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the City Attorney's Office/Claims Division at (404) 330-6400.

Yours very truly,

Rhonda Dauphin Johnson, CMC
Municipal Clerk

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 03L0339

Date: May 14, 2003

Claimant /Victim JOYCE WALKER on behalf of her daughter, CYNTHIA WALKER, a minor
BY: (Atty) Steven A. Hart
Address: 2525 Resurgens Place, 945 East Paces Ferry Road, Atlanta, Georgia 30326
Subrogation: Claim for Property damage \$ Bodily Injury \$ Not Stated
Date of Notice: 04/29/03 Method: Written, proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 10/31/02 Place: Crawford Long Middle School
Department Bureau:
Employee involved Disciplinary Action:

NATURE OF CLAIM: The claimant alleges her minor child was injured by a student while attending the Crawford Long Middle School. The Atlanta Board of Education is a separate legal entity from the City of Atlanta. The claimants' attorney has been advised to pursue this claim against the Atlanta Board of Education.

INVESTIGATION:

Statements: City employee Claimant Others Written Oral
Pictures Diagrams Reports: Police Dept Report Other
Traffic citations issued: City Driver Claimant Driver
Citation disposition: City Driver Claimant Driver

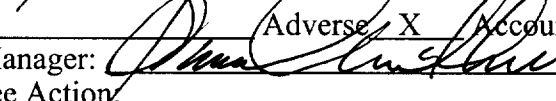
BASIS OF RECOMMENDATION:

Function: Governmental Ministerial
Improper Notice More than Six Months Other Damages reasonable
City not involved X Offer rejected Compromise settlement
Repair/replacement by Ins. Co. Repair/replacement by City Forces
Claimant Negligent City Negligent X Joint Claim Abandoned

Respectfully submitted,


INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay \$ Adverse X Account charged: 1A01 2J01 2H01 2P01
Claims Manager:  Concur/date 05 14 03
Committee Action: Council Action

RCS# 4761
6/02/03
2:42 PM

Atlanta City Council

Regular Session

CONSENT I

Pgs.1-11 Except:03-O-0767; 03-O-0706

ADOPT

YEAS: 13
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 2
EXCUSED: 1
ABSENT 0

Y Smith	Y Archibong	Y Moore	Y Mitchell
Y Starnes	E Fauver	Y Martin	NV Norwood
Y Young	Y Shook	Y Maddox	Y Willis
Y Winslow	Y Muller	Y Boazman	NV Woolard

CONSENT I

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ITEMS ADOPTED ON CONSENT AGENDA	06/02/03 Council Meeting ITEMS ADVERSE ON CONSENT AGENDA
1. 03-O-0705	32. 02-R-1076
2. 03-O-0837	33. 02-R-1077
3. 03-O-0717	34. 02-R-1078
4. 03-O-0104	35. 02-R-1079
5. 03-O-0663	36. 02-R-1080
6. 03-O-0711	37. 02-R-1081
7. 03-O-0835	38. 02-R-1082
8. 03-O-0836	39. 02-R-1083
9. 03-O-0840	40. 02-R-1084
10. 03-O-0721	41. 02-R-1085
11. 03-O-0786	42. 02-R-1086
12. 03-O-0587	43. 02-R-1087
13. 03-O-0781	44. 02-R-1088
14. 02-R-1351	45. 02-R-1089
15. 03-R-0822	46. 02-R-1090
16. 03-R-0823	47. 02-R-1091
17. 03-R-0825	48. 02-R-1092
18. 03-R-0828	49. 02-R-1093
19. 03-R-0829	50. 02-R-1094
20. 03-R-0832	51. 02-R-1095
21. 03-R-0833	52. 02-R-1096
22. 03-R-0820	53. 02-R-1097
23. 03-R-0821	54. 02-R-1098
24. 03-R-0845	55. 02-R-1099
25. 03-R-0846	
26. 03-R-0789	
27. 03-R-0790	
28. 03-R-0791	
29. 03-R-0792	
30. 03-R-0793	
31. 03-R-0794	

Consent I Vote: 13Yeas; 0Nays: (See RCS #4761)
Items Removed from the Consent Agenda: 03-O-0767; 03-O-0706